

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) Nigel Davis #439871  
(Name of Plaintiff) (Inmate Number)

P.O. Box 9561 Wilm, DE 19809  
(Complete Address with zip code)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)

\_\_\_\_\_  
(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

(1) State of Delaware  
Department of Correction

(2) Lt Chudzik

(3) Sgt Janet AYars  
(Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

**07 - 231**

(Case Number)  
( to be assigned by U.S. District Court)

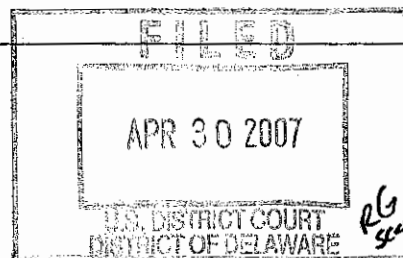
**CIVIL COMPLAINT**

• • Jury Trial Requested

**I. PREVIOUS LAWSUITS**

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

\_\_\_\_\_  
\_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • • No
- C. If your answer to "B" is Yes:
1. What steps did you take? Filed Grievances
  2. What was the result? None
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

**III. DEFENDANTS** (in order listed on the caption)

(1) Name of first defendant: State of Delaware  
Department of Correction

Employed as Doc at Howard R. Young Correctional Inst.

Mailing address with zip code: \_\_\_\_\_

(2) Name of second defendant: Lt Chudzik

Employed as Lt at Howard R. Young Correctional Inst.

Mailing address with zip code: 1301 East 12th Street

Wilmington DE 19809

(3) Name of third defendant: Sgt Janet Ayars

Employed as Sgt at Howard R. Young Correctional Inst.

Mailing address with zip code: 1301 East 12th Street

Wilmington, DE 19809

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

Statement of Claim

ON 12-16-00 I NIGEL DAVIS WAS IN MY CELL #13 OF QQ P03 WHEN THERE WAS A MAJOR SHAKEDOWN OF THE ENTIRE HOUSING UNIT BY THE SECURITY TEAM AND LT. CHUDZIK OF THE (4-12) SQUAD. I WAS TOLD TO GET OUT OF MY CELL BY C/O RITTER AND SEALY WHILE THEY WAS SEARCHING MY CELL AND IN MY PERSONAL PAPERS WHICH THEY WENT IN THROUGH ALL MY MAIL, AS THEY SEARCH MY MAILS WHICH WAS LAYING ON MY DESK IN MY PERSONAL PROPERTY.

THEY TOOK A DRAWING THAT WAS IN MY MAIL OR PROPERTY WHICH THEY SAID IT WAS PICTURING VIOLENCE TOWARDS C/O AND THEY TOLD ME TO GET THE FUCK OUT OF THE ROOM AND DON'T ASK ANY QUESTION I TRIED TO ASK WHAT WAS GOING ON BUT THEY TOLD ME TO SHUT THE FUCK UP AND RIGHT THEY TOOK ME OUT OF THE CELL THEY SLAMMED THE DOOR IN MY FACE WHEN IT ALMOST BROKE MY HAND AND NOSE, THEY ONLY SAID THAT THE PICTURE WAS A CONTRABAND AND DON'T ASK ANY MORE QUESTION, TO SHUT THE FUCK UP OR YOU WILL GET BEAT UP WHEN YOU GET TO THE HOLE. I TOLD THEM THAT I WAS JUST EXPRESSING MYSELF AND THAT MY PICTURE WAS NOT VIOLENT IN ANYWAY TOWARDS C/O BUT IT WAS MY ART WORK WHEN THEY ASK ME.

THEY CALL THE QRT TO ESCORT ME TO THE HOLE (I.E P03) WITHOUT A HEARING, THEY PUT THE HANDCUFFS ON MY HAND SO TIGHT THAT IT LEFT MARKS ON MY WRIST, AS I WAS ESCORTED TO THE HOLE (I.E P03) BY QRT MUSTARD,

I SEE LT. CHUDZIK AND SGT. JANET AYARS WERE SMILING AND LAUGHING AT ME WHICH THEY SAID A COUPLE OF SMART COMMENTS ABOUT ME.

WHEN I REACH TO THE POB I WAS PUT IN A SMALL HOLDING CELL AND THAT'S WHEN LT. CHUDZIK CAME IN MAKING JOKES AND SMART COMMENTS ABOUT ME TELLING THE OTHER OFFICER THAT WAS A PROBLEM CHILD. I WAS TOLD TO STRIP OR TAKE OFF MY CLOTHES OR THEY WILL MASE ME WHILE I WAS BEEN DEGRADED AND PUT TO SHAME, I SENT TO THE HOLE WITHOUT A HEARING FOR THE NEXT 18 DAY.

WHILE I WAS IN THE HOLE I WENT THROUGH A LOT OF PAIN AND ANGUISH, I WENT THROUGH MENTAL STRESS, I SUFFER A LOT OF PAIN + ALSO CRUEL UNUSUAL PUNISHMENT, INFRINGEMENT OF INMATE RIGHTS, MENTAL DEPRESSION, RACIAL DISCRIMINATION AND VIOLATION OF MY CONSTITUTION RIGHTS + CIVIL RIGHTS.

I HAVE BEEN DENIED ACCESS FOR THE PAST 6 MONTHS PLUS MY RIGHT TO MY EDUCATION TOWARDS MY GED. THIS IS ALL THE FACTS IN MY CLAIM ON THE STATE OF DELAWARE DEPARTMENT, LT. CHUDZIK AND JANET AYARS. SGT.

SINCERELY YOURS

NIGEL DAVIS SBI # 439871

H.R.Y.C.I

1301 EAST 14<sup>TH</sup> STREET

WILMINGTON, DE 19809

#### IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1.

SEE ATTACHED SHEETS

2.

3.

#### V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

COMPENSATE ME FOR PAIN + SUFFERING,  
MENTAL STRESS + EMOTIONAL STRESS,  
FOR MISSING MY EDUCATION (GED),  
MENTAL ANGUISH + DEPRESSION, THREATENING  
MY LIFE.

2. Violations of my civil Rights
- 3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25 day of APRIL, 2007

Nigel Davis  
(Signature of Plaintiff 1)

\_\_\_\_\_  
(Signature of Plaintiff 2)

\_\_\_\_\_  
(Signature of Plaintiff 3)

NIGEL DAVIS 439871  
H.R.V. 2001  
Box 9561  
Wilmington, DE 19801

SBI#

RETURNED FOR SIZE THICKNESS



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To:

CLERK  
U.S. DISTRICT COURT  
Lock Box 18  
844 N. KING STREET  
Wilmington, DE 19801



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